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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,690	11/24/2003	John C. Marshall	6247.450	1279

7590 03/19/2007  
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EXAMINER
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CHIN, RANDALL E

ART UNIT	PAPER NUMBER
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1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/718,690

Applicant(s)

MARSHALL, JOHN C.

Examiner

Randall Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 24 and 25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 21 February 2007.
2. Applicant's election of Group I, claims 1-23, in the reply filed on 21 February 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Objections***

3. Claims 15 and 16 are objected to because of the following informalities:  
  
The recitations of "said passage" (i.e., referring to the tubular member passage) in claims 15 and 16 should be amended to clearly distinguish from "a passage" recited back in claim 1, line 3, to avoid any confusion.  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10, 12-18, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Restivo 4,841,592 (hereinafter Restivo) in view of Harris et al. 5,235,722 (hereinafter Harris).

With respect to claim 1, the patent to Restivo discloses a fan blade cleaning tool (Figs. 1-6), comprising a box-shaped housing 11 having first and second openings 16, 22, respectively, on opposing sides and a passage 22a extending therebetween for receiving a fan blade (col. 1, lines 34-39 and col. 3, lines 57-60). The patent to Restivo discloses all of the recited subject matter as set forth above with the exception of a dust gutter extending outwardly from, and adjacent to, said first opening. The patent to Harris discloses a fan blade cleaning tool comprising a dust receptacle or gutter 17 extending outwardly from, and adjacent to, an opening (Figs. 1 and 3; col. 2, lines 17-21). It would have been obvious to one of ordinary skill in the art to have provided Restivo's tool with a dust gutter extending outwardly from, and adjacent to, said first opening as taught by Harris for the purpose of collecting dust removed by the tool when cleaning a fan blade as well as preventing dust from falling on an operator.

As for claim 2, said housing clearly includes opposing first and second inner walls defining said passage (Fig. 1).

As for claim 3, said housing includes first and second cleaning pads 19a, 20, respectively, removably securable within said passage (Fig. 2; col. 4, lines 12-16).

As for claim 4, said first pad 19a is adjacent said first inner wall, and said second pad 20 is adjacent said second inner wall (Figs. 1, 3, 5 and 6).

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As for claim 5, said first and second pads are deformably resilient and form a fit within said passage (col. 3, lines 21-25 and 42-45).

As for claim 6, said first and second pads 19a, 20, respectively, are foam (col. 2, line 64 to col. 3, line 16).

As for claim 7, said first and second pads 19a, 20, respectively, include adjacent cleaning surfaces for simultaneously contacting opposing surfaces of the fan blade (Figs. 1-6; col. 1, lines 34-42).

As for claim 8, said first and second pads have "substantially identical" dimensions (Figs. 1, 2, 5 and 6).

As for claim 9, at least one of said first and second pads includes a beveled edge 19j (Figs. 2, 3 and 5; col. 3, lines 5-7).

As for claim 10, said beveled edge 19j is adjacent said first opening (Figs. 2, 3 and 5).

As for claim 12, said housing comprises a first major planar surface 12 spaced from a second major planar surface 13, and sidewalls 14, 15 extending between and integral with said first and second major surfaces (Fig. 1; col. 2, lines 46-49).

As for claim 13, in the Restivo tool, as modified by Harris, said dust gutter extends outwardly from, and is integral with, said second major surface 13. Note, the **integral** dust gutter 17 in Harris' Figs. 1 and 3..

As for claim 14, there is a tubular member 23 having a passage extending outwardly from said second major surface 13 (Figs. 1, 4, 5 and 6).

As for claim 15, said passage 23 is deemed to extend "substantially perpendicular" to said second major surface 13 (Fig. 4).

As for claim 16, there is an elongate handle 24 releasably securably within said passage 23 at threads 11a (Fig. 4; col. 3, lines 60-62).

As for claim 17 reciting said first and second major planar surfaces flare outwardly proximate said first opening, it is the position of the Examiner that such change involves a mere change in shape of the housing and would be obvious to enable one to insert a fan blade easier through the cleaning tool.

Similarly, as for claim 18 reciting said first opening is larger than said second opening, it is the position of the Examiner that such change involves a mere change in shape of the housing and would be obvious to enable one to insert a fan blade easier through the cleaning tool.

As for claim 22, in the Restivo cleaning tool, as modified by Harris, the housing and dust gutter is integrally formed (see Fig. 3 Harris). To have formed the housing and dust gutter of plastic would be an obvious modification (if not already) in order to render the cleaning tool lighter in weight and to also enable mass production of the tool.

As for claim 23, in the Restivo cleaning tool, as modified by Harris, the dust gutter includes a curved base (see Fig. 3 Harris).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Restivo in view of Harris as applied to claims 1-3 above, and further in view of Schoenfield 2,896,243 (hereinafter Schoenfield).

The patent to Schoenfield discloses a cleaning tool comprising pads E, E1 which are moistened with a "polishing" fluid (col. 3, lines 7-13). It would have been obvious to one of ordinary skill in the art to have provided the modified Restivo cleaning tool such that the pads are moistened with a "polishing" fluid as taught by Schoenfield for the purpose of cleaning dust off of the blade surface.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Restivo in view of Harris as applied to claims 1, 3 and 12 above, and further in view of LaCroix 6,345,409 (hereinafter LaCroix).

The patent to LaCroix discloses a dust gutter 7 which is deemed to lie on a plane spaced from the plane of a second major surface (Figs. 1 and 6). It would have been obvious to one of ordinary skill in the art to have provided the modified Restivo tool with a dust gutter which lies on a plane spaced from the plane of a second major surface as taught by LaCroix for the purpose of positioning the dust gutter away from the openings and thus interfering with the cleaning of the fan blade.

***Allowable Subject Matter***

8. Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Restivo, Berleme, Lytton, Nicholson, Bellardini, Schneider, Cika, DeLaHoz, and Grimm are relevant to various fan blade cleaning configurations.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Randall Chin  
Primary Examiner  
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